IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 452(S/B) 2003

B.D. Joshi, Executive Officer,
Nagar Palika Parishad, Almora…… Petitioner

Versus

State of Uttaranchal, through Secretary,
Development & Town Planning,
Uttaranchal Government
and two others …….. Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.
Mr. N.B. Tiwari, Chief Standing Counsel for the respondent nos. 1 and 2.
Mr. H.V. Shah, Advocate for the respondent no.3.

Coram : Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.
Dated: 02.09.2003:

PC:

The petitioner is presently posted as Executive Officer, Nagar Palika, Almora. His services are governed by the U.P. Palika (Centralised) Services Rules, 1966. By order dated 30.7.2003, the petitioner was transferred from class I Municipal Council, Nagar Palika Parishad, Almora to Class IV Municipal Council, Nagar Panchayat, Didihat. It is the case of the petitioner that he is the Executive Officer of Class I Municipal Council and he can not be posted in Class IV Municipal Council. He relied upon the provisions of Rule 3 of U.P. Palika (Centralised) Service Rules, 1966. We do not find any merit in this argument.

Rule 3 deals with centralised services. In the entire rules, there is no provision which states that an officer working in class I Municipality can not be posed in Class IV category of Municipality. In the circumstances, we do not see any reason to interfere.

It is next contended that the respondent no.3 erred in not transferring Sri B.S. Khadayat. It is argued that petitioner can not be transferred to Didihat as Executive Officer of Nagar Pahchayat, Didihat has not handed over there on account of stay order granted by earlier Bench of this Court in writ petition no. 222/2003(S/B). We cannot comment in the said order granted by the earlier Bench of this Court on the abovestated writ petition. Moreover, B.S.Kadayat is not party-respondent in the petition.

For the aforestated reasons, the writ petition is rejected.

(Rajesh Tandon, J.) (S.H. Kapadia, C.J.)

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